

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 728 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

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ALFY INFOTEK PVT LTD

Versus

GSFC

Appearance:

MR AR MAJMUDAR for Petitioner

MR RD DAVE for Respondent No. 1

SERVED for Respondent No. 2

CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 07/01/97

ORAL JUDGEMENT

The present petition is filed by the petitioner under Article 226 of the Constitution of India. The petitioner had applied for financial assistance to the tune of Rs.15,00,000/- (Rupees Fifteen Lakhs) under the scheme known as " Women Entrepreneur Scheme." On the said application, loan of Rs.13,80,000/- (Rupees Thirteen Lakhs Eighty Thousand) was granted and the amount was also paid. But it seems that thereafter the petitioner-Company did not get subsidy amount of Rs.8,69,410=00 as per the claim of the petitioner and inspite the terms of loan and non-payment of the full amount, a notice was issued to the present petitioner under Section 29 of the State Financial Corporation Act. The petitioner has come before the court to challenge the said action of the respondent by contending that the said action is illegal and contrary to the terms of contract, and, therefore, is seeking the quashing of the said notice issued under Section 29 of the State Financial Corporation Act.

2. But admittedly the present petitioner has filed a Special Civil Suit No. 717 of 1995 in the court of Civil Judge (S.D.) at Baroda. No doubt, it is a suit for damages, recovery, declaration and injunction, but if the prayers in the said suit in para No. 17 A to 17 D are considered, then it would be quite clear that they are the same prayers as made in this petition in para : 14. As the petitioner has already approached the Civil Court and is seeking the relief which is being sought in this petition, this court cannot exercise its jurisdiction under Article 226 of the Constitution of India. Not only the petitioner has filed the suit, but the petitioner has also sought interim relief under Order 39 Rule 1 and 2 of the Code of Civil Procedure, on this short ground of pendency of suit I reject this petition summarily with no order as to costs. Interim relief stands vacated. Notice discharged.

Date : 07-01-1997. (S.D. Pandit, J.)